

THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, the 26th day of June, 2007

W.P.No.3953 of 2005

Between:-

The Regional Manager,
APSRTC, Vizianagaram

... Petitioner

and

The Industrial Tribunal-cum-
Labour Court, Visakhapatnam,
rep. by its Presiding Officer
and another
Respondents

...

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ORAL ORDER:

This Writ Petition is filed being aggrieved by an Award dated 30.1.2004 made in I.D.No.153 of 2002 on the file of Industrial Tribunal-cum-Labour Court, Visakhapatnam.

Petitioner is the Management and respondent No.2 is the union. It appears, one T.V. Naidu was found to have committed certain cash and ticket irregularities while conducting bus on 13.4.1993. After issuing charge sheet and calling for explanation, the workman was imposed with a punishment of stoppage of two increments with cumulative effect. Aggrieved by the same, the workman carried the matter in appeal, but the appellate authority-Deputy Chief Traffic Manager, Vizianagaram, dismissed the appeal. Challenging the same, the workman filed a review application before the Regional Manager. The Regional Manager reduced the punishment of stoppage of two increments with cumulative effect to that of one increment with cumulative effect. Further, assailing the said order, 2nd respondent raised conciliation and on failure of conciliation, the matter was referred to the Government and in turn, Government referred the dispute under Section 10(1)(c) of the Industrial Disputes Act, 1947 to the Industrial Tribunal-cum-Labour Court, Visakhapatnam. The Tribunal, however, set aside the order of punishment as modified by the appellate authority only on the ground that no detailed enquiry was conducted and, therefore, imposing of punishment of stoppage of one increment for a period of one year with cumulative effect is not permissible under the law. Aggrieved by the same, the present Writ Petition is filed.

Learned counsel for the petitioner, however, did not dispute as to

the proposition of law made applicable by the Tribunal in case of the workman. However, he states that once the misconduct is proved, the workman ought not to have left without any punishment.

In the facts and circumstances of the case, I deem it appropriate to impose the punishment of stoppage of one increment without cumulative effect on the workman and further, the workman is entitled to the monetary benefits from the date of passing of this Order.

With the above modification in the impugned Award, the Writ Petition is disposed of. No order as to costs.

26-6-2007

prk